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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/077,650

02/14/2002

Nileshkumar J. Parekh

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04/26/2006

QUALCOMM, INC
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EXAMINER

JAGANNATHAN, MELANIE

ART UNIT

PAPER NUMBER

2616

DATE MAILED: 04/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/077,650

Applicant(s)

PAREKH ET AL.

Examiner

Melanie Jagannathan

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

- Examiner has considered Amendment after Non-Final mailed 2/23/2006.
- Claims 1 and 14 are pending.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 1 and 14 are rejected under 35 U.S.C. 102(e) as being unpatentable over Nevo et al. US 6,320,873 in view of Forslow US 6,608,832.

The claimed PDSN element communicating with CDMA RAN using CDMA protocol is disclosed by Nevo et al. by PDN (Figure 1, element 48) communicating with CDMA network by way of connection to GPRS (element 50). The claimed second element communicating with a GSM core infrastructure using GSM protocol, the

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elements communicating with each other, whereby use of the CDMA RAN with the GSM core infrastructure is facilitated is disclosed by Nevo et al. by SGSN (element 52).

At the time the invention was made it would have been obvious to implement the PDN and GPRS node, the two elements communicating with GSM and CDMA networks, in one module such as a switch. One of ordinary skill in the art would be motivated to do so to provide a GSM/CDMA system to enable introduction of CDMA service in conjunction with GSM network without requiring major changes to existing infrastructure. See column 4, lines 54-65.

However, Nevo does not disclose the claimed terminating point-to-point protocol framing from the CDMA and sending IP to GSM core infrastructure in response to selection of IP by user of a CDMA mobile station and initiating packet data protocol context activation including specifying at least one access point name. Forslow discloses circuit-switched bearer employing IP/PPP protocol, packet-switched bearer employing GPRS tunneling developed to carry IP packets directly thereby avoiding PPP and a selection of a particular type of bearer. See column 9, lines 11-37 and column 12. Forslow discloses an HLR (Figure 2, element 42) storing routing information and mapping to one or more packet data protocol addresses as well as mapping each PDP address to one or more GGSNs. See column 3, lines 48-51 and column 9, lines 11-37. At the time the invention was made it would have been obvious to a person of ordinary skill in the art to modify Nevo to include packet data protocol context activation of Forslow. One of ordinary skill in the art would be motivated to do this for improved routing between the different networks.

Response to Arguments

3. Applicant's arguments with respect to claims 1, 14 have been considered but are moot in view of the new ground(s) of rejection.

Applicant argues neither Nevo nor Forslow teaches the claimed selection of IP by user of a CDMA mobile station communicating with the CDMA RAN.

Examiner respectfully disagrees. Examiner relied on reference Forslow to teach claimed limitation. Forslow discloses mobile station initiates a PDP context activation to register with the mobile communication system and begin a data session. An IP bearer between the mobile host and GGSN is established in the PDP context activation initiated by mobile host (claimed selection of IP by user). See column 9, lines 11-14, 21-24, 34-38.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of


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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melanie Jagannathan whose telephone number is 571-272-3163. The examiner can normally be reached on Monday-Friday from 8:00 a.m.-4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MJ 
4/22/2006


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